THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.18585 of 2006

08.9.2006

Between:

Gandam Srinivas, S/o.Nagaiah

... Petitioner

AND

The Appellate Authorities under Section 4 of A.P. Assigned Lands (Prevention of Transfers) Act, 1977 and the Sub-Collector, Asifabad, I/c. Revenue Divisional Officer, Utnoor, Adilabad District

And others

... Respondents

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WRIT PETITION No.18585 of 2006

ORDER:

The petitioner allegedly purchased land admeasuring Acs.2.50 cents in survey No.95/A situated at Godavelli Village of Asifabad Mandal in Adilabad District. He asserts that the said land is not assigned land nor purchase of the same is prohibited under the provisions of A.P. Assigned Lands (Prevention of Transfers) Act, 1977 (the Act, for brevity). Be that as it is, the second respondent initiated action under the Act for alleged contravention of provisions of Section 3(2) of the Act and issued a show cause notice to the petitioner. The petitioner submitted explanation *inter alia* contending that the land is not assigned land and, therefore, the Act has no application. However, the second respondent by proceedings No.B/407/2005, dated 14.7.2006 came to the conclusion that the petitioner and others purchased the assigned land for the purpose of real estate business and accordingly ordered resumption of the land for contravention of the provisions of the Act. Feeling aggrieved by the same, the petitioner filed appeal before the first respondent under Section 4A of the Act. It is alleged that the first respondent is not considering the appeal and, therefore, the present writ petition is filed again challenging the proceedings of the Mandal Revenue Officer, Asifabad (MRO).

It is now well settled that when a person availed the remedy provided under the relevant statute, writ petition would not lie. The petitioner, therefore, has to seek redressal before the appellate authority – first respondent herein. In that view of the matter, this writ petition can be disposed of, directing the first respondent to dispose of the appeal filed by the

petitioner on 19.8.2006 within a period of six weeks from the date of receipt of a copy of this order, in accordance with law. It shall be open to the petitioner to approach the appellate authority and obtain appropriate interim orders if he so desires.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

September 08, 2006.

NOTE:

Issue order copy by 11.9.2006.

(By order)

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